

Report of the Legislative Committee of the Maryland Judicial Conference

Brief Summary **2014 Legislative Session**

A final report of all the bills that affect the Judiciary which passed will be sent out after the last Governor's bill signing.

Sampling of Bills of Interest that Passed, Governor's Signature Pending

House Bill 1/Senate Bill 64 - Children in Need of Assistance - Educational Stability

These bills require the juvenile court to inquire as to the "educational stability" of a child at shelter care, adjudicatory, and disposition hearings and any change of placement proceedings. These bills also specify factors the court may consider in determining the "educational stability" of a child. **The Judiciary supported this Judicial Conference legislation and Judge Theresa Adams testified in support of the bills.**

House Bill 45/Senate Bill 69 - Maryland Register - Publication of Court Documents - Exception

These bills provide an exception to the requirement that specified court documents be published in the *Maryland Register* if the documents are posted promptly on the website of the Maryland Judiciary. **The Judiciary supported this Judicial Conference legislation and Judge Alan Wilner testified in support of the bills.**

House Bill 73/Senate Bill 247 - Civil Actions - Personal Injury or Death Caused by Dog - Rebuttable Presumption

These emergency bills establish that in an action for damages against an owner of a dog for personal injury or death caused by the dog, evidence that the dog caused the personal injury or death creates a rebuttable presumption that the owner knew or should have known that the dog had vicious or dangerous propensities. Notwithstanding any other law or rule, the judge in a jury trial may not rule as a matter of law that the presumption has been rebutted before the jury returns a verdict. However, the owner of a dog is strictly liable for any injury, death, or loss to person or property that is caused by the dog while the dog was running at large unless the injury, death, or loss was caused to the body or property of a person who was (1) committing or attempting to commit a trespass or other criminal offense on the property of the owner; (2) committing or attempting to commit a criminal offense against any person; or (3) teasing, tormenting, abusing, or provoking the dog. The common law of liability as it existed on April 1, 2012, applies to an action for

personal injury or death caused by a dog against a person other than the dog's owner, regardless of the dog's breed or heritage. These bills also express the intent of the General Assembly that the bills' provisions abrogate the holding of the Court of Appeals in *Tracey v. Solesky*, 427 Md. 627 (2012). The bills' provisions do not affect any other common law or statutory cause of action, defense, or immunity. These bills apply prospectively, and do not have any effect on or application to any cause of action arising before its effective date. **The Judiciary opposed these bills.**

House Bill 79 - Courts - Juveniles - Expungement of Records

This bill authorizes and establishes procedures for a person to file a petition to expunge the person's "juvenile record." **The Judiciary supported this Judicial Conference legislation and Judge Michael Stamm testified in support of the bill.**

House Bill 99/Senate Bill 404 - Maryland Uniform Commercial Code - Secured Transactions - Notice of Filing of Financing Statement

These bills require the State Department of Assessments and Taxation (SDAT) or other office that receives a specified financing statement for filing to provide a written notice of the filing to the debtor identified on the financing statement if the secured party and the debtor identified on the financing statement are individuals. The office required to provide the notice must determine the form of the notice. **The Judiciary supported these bills.**

House Bill 175/Senate Bill 206 - Criminal Law - Contraband - Telecommunication Devices and Accessories - Penalty

These bills prohibit a person from attempting to deliver a "telecommunication device," telecommunication device charger, or subscriber identification module (SIM) card to a person detained or confined in a place of confinement if signs are posted indicating that such conduct is prohibited. These bills also add chargers and SIM cards as prohibited items that a person may not deliver to an inmate, possess with intent to deliver to an inmate, deposit or conceal in or about a place of confinement, or knowingly possess or receive while an inmate in a place of confinement. These bills also increase the maximum penalty for offenses relating to a telecommunication device in a place of confinement from imprisonment for three years and/or a \$1,000 fine to imprisonment for five years and/or a \$3,000 fine. Under these bills, a sentence imposed for knowing possession or receipt of a telecommunication device by a person detained or confined in a place of confinement must be consecutive to any sentence that the person was serving at the time of the crime or that had been imposed but was not yet being served at the time of the sentence. **The Judiciary opposed the mandatory provision of these bills.**

House Bill 242/Senate Bill 282 - Juvenile Law - Truancy Reduction Pilot Program - Kent County

These bills authorize the establishment of a Truancy Reduction Pilot Program (TRPP) in the juvenile court in Kent County. The bills take effect June 1, 2014. **The Judiciary**

supported these bills. Judge Paul Bowman and Judge John Nunn testified in support of the bills.

House Bill 306/Senate Bill 337 - Crimes - Committing a Crime of Violence in the Presence of a Minor - Penalties

These Administration bills prohibit a person from committing a crime of violence when the person knows or reasonably should know that a minor, who is at least two years old, is present in a residence within sight or hearing of the crime of violence. A violator is subject to an enhanced penalty of imprisonment for up to five years in addition to any other sentence imposed for the crime of violence. An enhanced penalty imposed under the bill must be separate from and consecutive to any sentence for the crime of violence. A court may impose this enhanced penalty if (1) the State's Attorney notifies the defendant in writing, at least 30 days before trial in the circuit court and 15 days before trial in the District Court, of the State's intention to seek the enhanced penalty and (2) the elements of the offense have been proven beyond a reasonable doubt. If the defendant is charged by indictment or criminal information, the State may include the required notice in the indictment or information. **The Judiciary took no position on these bills.**

House Bill 307/Senate Bill 333 - Peace Orders and Protective Orders - Burden of Proof

These Administration bills alter, from clear and convincing evidence to a preponderance of the evidence, the standard of proof by which a judge must make specified findings before (1) granting a final protective order or mutual protective orders; (2) extending a final protective order under specified circumstances; or (3) issuing a final peace order or mutual peace orders. **The Judiciary took no position on these bills.**

House Bill 309/Senate Bill 334 - Family Law - Domestic Violence - Permanent Final Protective Orders

These Administration bills expand the circumstances under which a permanent final protective order must be issued by requiring a court to issue an order against an individual who is *sentenced to serve* a term of imprisonment of at least five years for specified underlying acts of abuse and has served at least 12 months. These bills also add the crime of second degree assault to the list of crimes, the commission of which subjects an individual to the issuance of a permanent final protective order. **The Judiciary opposed these original bills and the bills were amended to alleviate some of the Judiciary's concerns.**

House Bill 315/Senate Bill 396 - Equity Court Jurisdiction - Immigrant Children - Custody or Guardianship

These bills expand the jurisdiction of an equity court to include custody or guardianship of an immigrant "child" pursuant to a motion for Special Immigrant Juvenile factual findings requesting a determination that the child was abused, neglected, or abandoned before age 18 for specified purposes of the federal Immigration and Nationality Act

(INA). A “child” is an unmarried individual younger than age 21. **The Judiciary supported these bills.**

House Bill 397 - Peace Orders and Protective Orders - Consent Orders - Shielding

This bill extends eligibility to file a written request to shield court records relating to a peace order or protective order proceeding to petitioners in those proceedings. The bill also makes provisions of law concerning the shielding of peace orders and protective orders applicable to cases in which the respondent has consented to the entry of the orders, under specified circumstances. **This Judiciary took no position on this bill.**

House Bill 647/Senate Bill 434 - Peace Orders and Protective Orders - Extensions

These bills require a court to hold a hearing on a motion to extend a final peace order or a final protective order within 30 days after the motion is filed if, during the term of the order, the petitioner or person eligible for relief files a motion for extension. If the hearing on the motion is scheduled after the original expiration date of the final peace order or final protective order, the court must extend the order and keep the terms of the order in full force and effect until the hearing on the motion. **The Judiciary opposed these bills.**

House Bill 1109 - Criminal Procedure - Search Warrants - Procedures

This bill (1) requires an application for a search warrant to be dated; (2) authorizes an applicant for a search warrant to submit the application to a judge by in-person delivery, secure fax, or secure electronic mail; (3) authorizes the applicant and the judge to converse about the search warrant application in person, via telephone, or via video; (4) authorizes a judge to issue a search warrant by signing the search warrant, indicating the date and time of the issuance of the warrant, and delivering the search warrant and specified materials to the applicant in person, by secure fax, or by secure electronic mail; and (5) requires a judge to file a copy of the signed and dated search warrant, the application, and the affidavit with the court. The bill requires a law enforcement officer who executes a search warrant to (1) give a copy of the search warrant, the application, and the affidavit to an authorized occupant of the premises searched or leave a copy of those materials at the premises searched; (2) prepare a detailed search warrant return which must include the date and time at which the search warrant was executed; (3) give a copy of the search warrant return to an authorized occupant of the searched premises or leave a copy at the premises; and (4) file a copy of the search warrant return with the court in person, by secure fax, or by secure electronic mail. **The Judiciary supported this bill.**

House Bill 1161/Senate Bill 698 - Criminal Procedure - Electronic Device Location Information - Order

These bills authorize a court to issue an order authorizing or directing a law enforcement officer to obtain “location information” from an “electronic device.” “Location information” means real-time or present information concerning the geographic location

of an electronic device that is generated by or derived from the operation of that device. The bills (1) establish requirements for an application for a location information order; and (2) require disclosure of specified information to a user/owner. **The Judiciary opposed the original bills which required the courts to track and report orders but this language was removed in the amended bills.**

House Bill 1245/Senate Bill 922 - Crime Victim and Crime Victim's Representative - Electronic Notification

These bills authorize a crime victim or a crime victim's representative to follow Maryland Electronic Courts (MDEC) system protocol to request specified notices in an electronic form and authorizes the prosecuting attorney and the clerk of the circuit court or juvenile court to provide notices in an electronic form to the victim or victim's representative.

The bills take effect July 1, 2014. **The Judiciary opposed these bills.**

House Bill 1295/Senate Bill 515 - Juvenile Law - Transfer of Cases to Juvenile Court

These bills repeal a provision of law that prohibits a court exercising criminal jurisdiction in a case involving a child from transferring the case to the juvenile court under reverse waiver provisions if the child was previously transferred to juvenile court and adjudicated delinquent. **The Judiciary took no position on these bills.**

Senate Bill 122 - Juvenile Law - Detention - Community Detention Violation Hearings

This departmental bill requires an intake officer who authorizes detention of a child for a violation of community detention to immediately file a petition to authorize the child's continued detention. The juvenile court must hold a hearing on the petition no later than the next court day unless it extends the detention, for no more than five days, on a showing of good cause. The bill also requires reasonable notice, either oral or written, to be given to the child and, if they can be located, to the child's parents, guardian, or custodian. **The Judiciary supported this bill.**

Senate Bill 272 - Sentencing Procedures - Statement by Victim or Victim's Representative (Alex's Law)

This bill *requires*, if practicable, a court, in a sentencing or disposition hearing, to allow a victim or the victim's representative (victim/representative), at the request of the victim/representative, to address the court before imposition of sentence or other disposition. **The Judiciary took no position on this bill.**

Senate Bill 364 - Criminal Law - Possession of Marijuana - Civil Offense

This bill reclassifies the use or possession of less than 10 grams of marijuana from a criminal offense to a civil offense, subject to a fine of up to \$100. The bill establishes requirements for (1) the issuance of citations; (2) the appearance in court after three or more violations; and (3) the adjudication of the offense in District Court. In addition to a fine, the court shall order a person under the age of 21 who commits a violation under

this section to attend a drug education program approved by the Department of Health and Mental Hygiene (DHMH). A civil penalty collected under the bill must be remitted to DHMH to be used to fund drug treatment and education programs. If a person is at least 21 and commits a third or subsequent violation of this section, the court shall order him or her to attend a drug education program, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment if necessary. Existing criminal penalties continue to apply to the use or possession of 10 grams or more of marijuana. **The Judiciary opposed this bill as amended.**

Senate Bill 805 - Maryland Uniform Collaborative Law Act

This bill establishes the Maryland Uniform Collaborative Law Act and sets forth requirements for the collaborative law process. A “collaborative law process” means a procedure intended to resolve a collaborative matter without intervention by a tribunal in which persons sign a collaborative law participation agreement and are represented by collaborative lawyers. **The Judiciary took no position on this bill.**

Bills of Interest that Failed

House Bill 38/Senate Bill 61 - Court of Special Appeals - Writs of Actual Innocence, Illegal Sentences, and Coram Nobis Petitions - Review by Application for Leave to Appeal

These bills specified that the general right to a direct appeal to the Court of Special Appeals from a final judgment entered in a criminal case in the circuit court does not apply to an appeal from a final judgment dismissing, denying, or granting (1) a petition for a writ of actual innocence; (2) a petition for a writ of error *coram nobis*; or (3) a motion to correct an illegal sentence. Review of a final judgment by a circuit court in these cases would be sought by application for leave to appeal filed by the aggrieved party, including the Attorney General or a State’s Attorney. The bill applied prospectively to a petition for a writ of actual innocence, petition for a writ of error *coram nobis*, or motion to correct an illegal sentence filed in a circuit court before the bill’s October 1, 2014 effective date. **The Judiciary supported this Judicial Conference legislation. Chief Judge Peter Krauser testified in support of the bills.**

House Bill 108/Senate Bill 32 - Circuit Court Real Property Records Improvement Fund - Funding

These bills required the State Court Administrator to assess a surcharge of \$11 on cases filed in the Court of Appeals and the Court of Special Appeals. These bills also required the assessment of a \$30 surcharge for civil cases filed in the circuit courts and a surcharge of \$6 for civil cases reopened in the circuit courts. A surcharge may not be assessed to reopen a case brought by a petitioner under the protective order statutes. The Chief Judge of the District Court must assess a maximum surcharge of \$3 per summary ejectment

case and \$8 for all other civil cases. The surcharges must be deposited into the Circuit Court Real Property Records Improvement Fund. The bill would have taken effect July 1, 2014. **The Judiciary supported this Judicial Conference legislation. Chief Judge Mary Ellen Barbera, Chief Judge Ben Clyburn, and State Court Administrator Pamela Harris testified in support of the bills.**

House Bill 120/Senate Bill 167 - Judgeships - Circuit Courts and District Court

These bills altered the number of resident judges of the circuit courts by adding one additional judgeship each in Baltimore City and Anne Arundel, Baltimore, Charles, Montgomery, and Prince George's counties. The Anne Arundel County judgeship was added by the legislature. These bills also created one additional District Court judgeship in District 5 (Prince George's County) and District 6 (Montgomery County). The bills would have taken effect July 1, 2014. **The Judiciary supported this Judicial Conference legislation. Judge Thomas Ross and Chief Judge Ben Clyburn testified in support of the bills.**

House Bill 439/Senate Bill 538 - Courts - Jury Service - Excusal

These bills established that an individual may be excused from jury service if the individual is (1) a primary caregiver for a minor younger than the age of six and unable to find child care for that minor; (2) a breast-feeding mother; or (3) a parent currently on paternity or maternity leave. **The Judiciary opposed these bills.**

House Bill 500 - Judgeships - District Court

This bill created 12 additional District Court judgeships. Of the judgeships, 5 were in District 1 (Baltimore City), 3 were in District 5 (Prince George's County), 1 was in District 6 (Montgomery County), 1 was in District 7 (Anne Arundel County) and 2 were in District 8 (Baltimore County). The bill was contingent on passage of HB 537 of 2014, which made numerous changes to the pretrial release process, including requiring that a person arrested must be presented before a District Court judge within 24 hours after arrest for an initial appearance if the court is in session. Subject to the bill's contingency, the bill would have taken effect July 1, 2014. **The Judiciary supported this Judicial Conference and Chief Judge Clyburn testified in support.**

House Bill 537 - Criminal Procedure - Pretrial Confinement and Release of Criminal Defendants - Initial Appearance and Representation by the Office of the Public Defender

This bill made several changes to statutory provisions governing an initial appearance by an arrested person. The bill required an arrested person to be presented before a District Court judge within 24 hours after arrest for an initial appearance in accordance with Maryland Rule 4-213 if a court is in session. If the court is not in session and more than 24 hours will pass before the next session of the court, an arrested person must be presented before a District Court commissioner for an initial appearance in accordance with Maryland Rule 4-213. An initial appearance may be conducted through the use of video conferencing in accordance with Maryland Rule 4-231. The bill would have taken

effect on January 1, 2015, contingent on the taking effect of HB 500 of 2014, which increased the number of associate judges of the District Court in certain districts. **The Judiciary supported this Judicial Conference legislation and Chief Judge Clyburn testified in support.**

House Bill 568/Senate Bill 544 - Civil Actions - Award of Attorney's Fees and Expenses

These bills authorized a court to award reasonable attorney's fees and expenses to a prevailing party in any civil action that has resulted in the enforcement of a right that is secured by the Maryland Constitution or the Maryland Declaration of Rights. A court could have awarded attorney's fees to a prevailing defendant only on a finding that the action brought by the plaintiff was frivolous. A prevailing plaintiff included a plaintiff whose litigation wholly or substantially achieved the desired result by bringing about a voluntary change in the conduct of the defendant. The bill also established a method of calculating awards of attorney's fees and specified that the liability limit under the Maryland Tort Claims Act (MTCA) does not include an award for attorney's fees and expenses under the bill. The bill applied prospectively to cases filed on or after the bill's October 1, 2014 effective date. **The Judiciary opposed these bills.**

House Bill 651 - Courts - Aggravated Murder Court

This proposed constitutional amendment authorized the General Assembly to create by law an Aggravated Murder Court, which would be a trial court with original and exclusive uniform statewide jurisdiction over offenses that were formerly punishable by death. The Attorney General was required to prosecute all cases in the Aggravated Murder Court. Judges on the Aggravated Murder Court would not be elected in the same manner as circuit court judges. **The Judiciary opposed this bill.**

House Bill 726 - Judges - Mandatory Retirement Age

This proposed constitutional amendment, if approved by the voters at the next general election, would have raised the mandatory retirement age for judges from age 70 to 75. **The Judiciary took no position on this bill.**

House Bill 842 - Public Safety - Drug Treatment Court - Baltimore City

This bill required, for fiscal 2016 and each fiscal year thereafter, the Judiciary to include in its annual budget submission to the General Assembly funding to provide (1) drug treatment services to, at a minimum, the same number of individuals that participated in the Baltimore City Drug Treatment Court in fiscal 2013 and (2) public transportation, including metro bus fare, for Baltimore City Drug Treatment Court participants. **The Judiciary opposed this bill.**

House Bill 857 - Courts - Attorneys - Subpoena Procedures and Forms for Circuit Courts

This bill authorized an attorney or other officer of a court entitled to the issuance of a subpoena by a clerk of a court to obtain from the clerk of the court a subpoena that is signed and sealed by the clerk of the court. The attorney or other officer of the court

could photocopy or otherwise copy the subpoena and use the subpoena for service. The bill would have taken effect June 1, 2014. **The Judiciary opposed this bill and Clerk Scott MacGlashan testified in opposition.**

House Bill 985 - Office of the Public Defender - Eligibility for Services

This bill required the Office of the Public Defender (OPD) to investigate the financial status of all applicants for OPD services and prohibited OPD from continuing legal representation of an individual after a bail review hearing unless the individual's eligibility for OPD services was determined. OPD would have to require applicants to provide specified authorizations allowing OPD access to confidential records needed to evaluate eligibility, unless the applicant is unable to do so because of a mental disability. OPD would submit requests to the Department of Labor, Licensing, and Regulation (DLLR) and the Comptroller for information regarding the employment status and income of applicants. **The Judiciary took no position on this bill as amended.**

House Bill 1186 - Criminal Procedure - Pretrial Release - Charge by Summons

This bill repealed provisions of law authorizing a District Court commissioner to (1) set bond or commit persons to jail in default of bond and (2) generally perform all functions of committing magistrates as exercised by the justices of the peace prior to July 5, 1971. Except as otherwise prohibited, a police officer would have submitted a statement of charges to a District Court commissioner in accordance with the Maryland Rules and served on the defendant a statement of charges and summons. If the commissioner determined that the charge or charges were supported by probable cause, a District Court commissioner would have released a defendant on personal recognizance if the most serious crime with which the defendant was charged was (1) punishable by imprisonment for 18 months or less; (2) obstructing and hindering; (3) telephone misuse; (4) indecent exposure; (5) malicious destruction of property with a value of at least \$1,000; (6) possessing or administering a controlled dangerous substance; or (7) assault in the second degree if a condition of "no unlawful contact" with the alleged victim is included with the summons. A person who was arrested and not released pursuant to a citation or summons would be taken before a judge of the District Court or circuit court without unnecessary delay and in no event later than 48 hours after arrest. The bill required the District Court to operate six days per week to make release determinations for arrested persons. The bill would have taken effect June 1, 2014, and terminated June 30, 2017. **The Judiciary opposed the original bill.**

House Bill 1232 - Criminal Procedure - Task Force on Pretrial Risk Assessment - Detainee Electronic Information Sharing System

This bill (1) required the Secretary of Public Safety and Correctional Services (the Secretary) to establish and maintain an electronic information sharing system meeting specified requirements and to adopt regulations to implement the system; (2) established the Task Force on Pretrial Risk Assessment; (3) specified the composition, chair, and staffing of the task force; (4) established the duties of the task force, including

recommendation of a validated pretrial risk assessment tool and conducting a statistical study of the recommended tool; (5) required the task force to submit initial, interim, and final reports by specified dates; (6) required the Office of Legislative Audits (OLA) to conduct a performance audit meeting specified criteria; and (7) required the Secretary to establish, no later than July 1, 2016, a pilot program in Baltimore City and one rural county that required judicial officers in those jurisdictions to utilize the validated risk assessment tool recommended by the task force in determining pretrial release eligibility of individuals arrested in those jurisdictions brought before a judicial officer.

While the bill generally took effect June 1, 2014, some provisions were subject to different effective dates. The provisions pertaining to the task force and the pilot program terminated June 30, 2017. **The Judiciary took no position on this bill.**

House Bill 1292/Senate Bill 824 - District Court of Maryland Employees - Collective Bargaining

These bills established collective bargaining rights for specified employees of the District Court. The bills also established the State Judicial Employees Labor Relations Board as an independent unit of State Government and established duties for the board. The bills would have taken effect July 1, 2014. **The Judiciary opposed these bills. Chief Judge Clyburn, Pam Harris, David Durfee, and Lee Robinson testified in opposition.**

House Bill 1440/Senate Bill 1004 - Family Law - Children's Civil Rights - Equal Parenting Time

These bills created a rebuttable presumption in an initial child custody proceeding, whether *pendente lite* or permanent, involving the parents of a child, that an award of physical custody of the child for approximately equal periods of time for each parent and joint legal custody is in the best interest of the child. **The Judiciary opposed these bills.**

Senate Bill 213 - Drunk Driving - Mandatory Participation in Educational Program

This bill specified that, in addition to any other penalties provided for specified alcohol-related driving offenses, a person who is convicted of, or granted probation before judgment for, these offenses must attend the one-day Drinking Driver Monitor Program offered by the R. Adams Cowley Shock Trauma Center at the University of Maryland Medical System (UMMS). **The Judiciary opposed this bill.**

Senate Bill 681 - Department of Human Resources - Contracts for Legal Services

This bill required the Secretary of Human Resources to enter into a contract with a nonprofit legal service delivery organization based in the State to represent children and indigent adults in (1) child adoptions or guardianships as part of termination of parental rights proceedings; (2) proceedings involving a child in need of assistance; (3) adult guardianships or adult protective services proceedings; (4) adult guardianship review hearings in which the Department of Human Resources (DHR) or the Department of Aging is involved; or (5) cases requiring legal services to be provided for a child or vulnerable adult in which the Department of Health and Mental Hygiene is involved. The

organization must have an office, a physical presence, or a demonstrated capacity to operate in each county and Baltimore City. The organization may subcontract no more than 50% of the cases the organization receives under the contract to private attorneys, subject to the approval of DHR. **The Judiciary took no position on this bill.**

Senate Bill 748 - Criminal Procedure - District Court Commissioner - Initial Appearance

This bill prohibited a District Court commissioner from conducting an initial appearance for an arrested person except during normal business hours on Monday through Friday and the hours between 9:00 a.m. and 5:00 p.m. on weekends and holidays. A District Court commissioner may have conducted an initial appearance at any time for an arrested person, who, for the purpose of the initial appearance before the commissioner, waived the right to representation by counsel or is represented by private counsel. The bill also amended The Public Defender Act to specify that the Office of the Public Defender (OPD) is not required to provide legal representation to an indigent individual at an initial appearance before a District Court commissioner except during normal business hours on Monday through Friday and the hours between 9:00 a.m. and 5:00 p.m. on weekends and holidays. **The Judiciary opposed this bill.**

Senate Bill 920 - Criminal Procedure - Pretrial Release

This bill made several changes to the duties and responsibilities of District Court commissioners, including the ability of a commissioner to issue an arrest warrant based on a specified application, and the ability of a commissioner to authorize the pretrial release of an arrested person. The bill also authorized the Chief Judge of the District Court to add to the misdemeanors that are subject to citation in lieu of arrest. **The Judiciary opposed this bill.**

Senate Bill 973 - Criminal Procedure - Pretrial Confinement and Release

This bill established a Pretrial Release Services Program in the Department of Public Safety and Correctional Services (DPSCS). By May 1, 2015, DPSCS must have (1) established a Pretrial Release Services Program within DPSCS that offers alternatives to pretrial detention in each county and (2) established by regulation the terms and conditions of the program, including the adoption of a validated risk assessment tool. The bill (1) established requirements for the program; (2) authorized administrative pretrial release of specified persons; (3) provided for reimbursement agreements with specified county pretrial services programs; (4) altered the duties of District Court commissioners to reflect the duties of the pretrial services program; and (5) amended the Public Defender Act to reflect the bill's changes. Beginning in fiscal 2016 and in each fiscal year thereafter, the Governor must include in the annual budget bill an appropriation to DPSCS to cover the operating costs of the program and the personnel costs of carrying out the duties authorized and required under the bill. The bill also established a permanent Pretrial Services Commission within DPSCS and required the Commission to appoint an executive director, who is a special appointment in the State Personnel

Management System. The bill generally took effect July 1, 2014; specified provisions took effect May 1, 2015. **The Judiciary took no position on the original bill.**

Senate Bill 1114 - Criminal Procedure - Initial Appearance and Representation by the Office of the Public Defender

This bill proposed a constitutional amendment to establish that Article 21 of the Maryland Declaration of Rights may not be construed to require the Office of the Public Defender (OPD) to represent a defendant at an initial appearance before a District Court commissioner. **The Judiciary took no position on this bill.**

Legislative Committee of the Judicial Conference

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